IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24262 of 2004

Between:

S.Srinivasulu, S/o.Janaiah,

Aged 40 years, Occ:Business,
R/o.Miryalaguda, Nalgonda District.

..... PETITIONER

AND

1 The A.P.S.R.T.C rep. by its Regional Manager, Khammam.
2 The Depot Manager, APSRTC, Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction preferably writ of mandamus declaring the proceedings of the 2nd respondent issued in Proc.No.MI/01/359(4)/01-KMM Dt.5.10.2004 as illegal, arbitrary contrary to record and violative of principles of natural justice and consequently direct the respondent to release the difference amount as per the representation dt.30.9.2004 and pass such other or further orders.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court made the following:

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ORDER:

The grievance of the petitioner is that without his knowledge, the survey has been conducted with regard to distance between Khammam to Pangidi and therefore, it is not valid survey.

The learned standing counsel appearing for the respondents contended that after conducting survey in between Khammam to Pangidi, actual distance has been determined by the competent authority and therefore, there are no grounds to interfere with the impugned order.

The learned counsel for the petitioner contended that he would file an application before the 1st respondent requesting to conduct survey again in the presence of the writ petitioner so as to decide the actual hire amount, considering the distance between the above said two places.

In the circumstances, without entering into the merits of the case, the Writ Petition is disposed of, with a direction to the petitioner to make an application before the 1st respondent for conducting survey and thereafter, within three weeks the

1st respondent shall conduct survey, with regard to distance between Khammam to Pangidi, after affording reasonable opportunity to the petitioner. No costs.

Note:

Issue CC in two days

B/O

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager, APSRTC,

Khammam

2. The Depot Manager, APSRTC,

Khammam

3. Two CD Copies.